

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 7/21/2015	(3) CONTACT/PHONE Cheryl Cochran, Planner / (805) 781-1366	
(4) SUBJECT Introduction of amendments to Title 8 (Health and Sanitation Ordinance) and Title 19 (Building and Construction Ordinance) of the County Code, in order to implement the proposed Countywide Water Conservation Program related to the requirements for the offset of new water use at a ratio of 1:1, well permits, and regulation of wasteful use of water; and introduction of an amendment to Ordinance 3274 (County Fee Schedule), in order to establish new fees associated with the implementation of the proposed water offset requirements; the proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. Hearing date set for August 11, 2015. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board introduce the ordinances in Attachments 1, 3, and 5, and direct the Clerk to set for public hearing and action on August 11, 2015.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>3/4/14, 5/20/14, 2/3/15, & 2/24/15</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Cheryl Cochran, Planner, Policy and Programs

VIA: Matt Jansen, Division Manager, Policy and Programs

DATE: 7/21/2015

SUBJECT: Introduction of amendments to Title 8 (Health and Sanitation Ordinance) and Title 19 (Building and Construction Ordinance) of the County Code, in order to implement the proposed Countywide Water Conservation Program related to the requirements for the offset of new water use at a ratio of 1:1, well permits, and regulation of wasteful use of water; and introduction of an amendment to Ordinance 3274 (County Fee Schedule), in order to establish new fees associated with the implementation of the proposed water offset requirements; the proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. Hearing date set for August 11, 2015. All Districts.

RECOMMENDATION

It is recommended that the Board introduce the ordinances in Attachments 1, 3, and 5, and direct the Clerk to set for public hearing and action on August 11, 2015.

DISCUSSION

In response to the water scarcity concerns throughout San Luis Obispo County, the Board of Supervisors declared three groundwater basins, Nipomo Mesa (part of Santa Maria Groundwater Basin), the Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin, at Level of Severity (LOS) III, which indicates that groundwater demand has met or exceeded the dependable supply.

In addition, the Board of Supervisors authorized the Department of Planning and Building to process several amendments to the County General Plan and County Codes with the objective of the development and implementation of a Countywide Water Conservation Program to substantially reduce increases in groundwater extraction in areas that have been certified LOS III; provide a mechanism to allow new development and new or altered irrigated agriculture to proceed in certified LOS III areas, subject to the requirements of the County General Plan and County Code, in a manner that fully offsets projected water use; and to reduce the wasteful use of water in the county.

Board Direction

On March 4, 2014, your Board authorized for processing various possible General Plan and Code amendments to develop and implement a Countywide Water Conservation Program consisting of New Landscape Requirements, Retrofit-on-Sale, Water Waste Prevention, and Water Neutral New Development.

On May 20, 2014, your Board further directed staff to include incentive based programs that could result in reduction of outdoor water use to the previously authorized processing of the County Water Conservation Ordinance.

On February 3, 2015, your Board gave direction on the scope of specific program components associated with the development and implementation of a Countywide Water Conservation Program, including direction to remove the Retrofit-on-Sale component.

On February 24, 2015, your Board directed staff to develop an Agricultural Offset Program with requirements similar to the Agricultural Offset Program implemented under the Paso Robles Groundwater Basin Urgency Ordinance.

Background

On August 27, 2013, your Board adopted Ordinance 3246, the Paso Robles Groundwater Basin Urgency Ordinance, which required a 1:1 offset for new irrigated agriculture and new development dependent on a well in the Paso Robles Groundwater Basin. On October 8, 2013, your Board voted to extend the Urgency Ordinance for two years. The Paso Robles Groundwater Basin Urgency Ordinance will expire on August 27, 2015.

The proposed Countywide Water Conservation Program is being developed partially in response to the pending expiration of the Paso Robles Groundwater Basin Urgency Ordinance. This item is an introduction of necessary amendments to Title 8 (Health and Sanitation Ordinance) and Title 19 (Building and Construction Ordinance) of the County Code, to implement certain components of the Countywide Water Conservation Program. Since Title 8 and Title 19 have no statutory public hearing requirements, amendments to these Titles must be introduced at least five days prior to adoption. Therefore, the proposed amendments to these ordinances are being introduced today in order for your Board to consider them at a public hearing on August 11, 2015.

In addition, amendments to Title 22, the Agriculture Element and the Conservation and Open Space Element, which require noticing procedures and Planning Commission hearings instead of introduction, will also be considered at the that hearing on August 11, 2015. The amendments to Title 22 require that new or expanded irrigated agriculture that overlies or uses water from the Paso Robles Groundwater Basin offset new water use at a 1:1 ratio. Under the proposed amendments, an applicant would go through the Agricultural Offset Clearance Process and obtain a zoning clearance called an Agricultural Offset Clearance. Draft versions of the amendments to Title 22 were reviewed by the Planning Commission in study sessions and will be considered at a Planning Commission hearing on July 30, 2015.

No action regarding any of these proposed amendments may be taken until the August 11, 2015 hearing date. Discussion of the proposed changes can occur today; however, if those discussions result in **substantial changes** to the amendments, the item will need to be re-introduced on August 11, 2015, and scheduled for adoption at a subsequent public hearing date.

Proposed Amendments

The following discussion summarizes the proposed amendments. The full text of the proposed amendments to Title 8 and Title 19 are shown in Attachments 1 and 3 with legislative changes shown in Attachments 2 and 4. The proposed changes to the County Fee Schedule are outlined in Attachment 5.

Amendments to Title 8 for Well Permit Requirements

The proposed amendments to Title 8 (Health and Sanitation Ordinance), Section 8.40.030 and Section 8.40.040 of the County Code, prohibit construction or modification of any well without first satisfying the proposed applicable provisions of Title 22, Section 22.30.204. Under the amendments to Title 8, Section 8.40.030 and 8.40.040 being introduced today, an applicant for a new well to serve new or expanded irrigated crop production in the Paso Robles Groundwater Basin must demonstrate that they have already met the requirements for new irrigated agriculture contained in Title 22. The initial compliance with the provisions set forth for an Agricultural Offset Clearance, as required under Title 22, Section 22.30.204 would serve as evidence of compliance. The amendments to Title 8, Section 8.40.030 and 8.40.040 ensures consistency within the County Code and interdepartmental procedures. See Attachment 1.

Amendments to Title 8 for Urban and Rural Water Waste Prevention Ordinance

The proposed addition to Title 8 (Chapter 8.69) is a Water Waste Prevention Ordinance. If adopted, this ordinance will prohibit certain wasteful uses of water in the unincorporated areas of the County where comparable requirements are not already enforced. Prohibited uses include certain requirements for: watering with a hose, watering of lawns and landscaping, maintaining plumbing fixtures, washing vehicles, refilling or overfilling swimming pools and/or spas, use of decorative fountains, serving water at public restaurants, washing towels and linens at hotels, use of water for dust control in construction activities, and water use in wineries. See Attachment 1.

Amendments to Title 19 for Water Neutral New Development

The amendments to Title 19 of the County Code (Building and Construction Ordinance) Section 19.07.42 (Water Conservation Provisions) require that all new construction that overlies or uses water from the Paso Robles Groundwater Basin or the Nipomo Mesa Water Conservation Area offset new water use at a 1:1 ratio. The amendments include multiple methods to offset new water use. In the Paso Robles Groundwater Basin, applicants can purchase offset credits that will be generated through two County Approved Water Conservation Programs: the Cash for Grass Program and the Plumbing Retrofit Program. In the Nipomo Mesa Water Conservation Area, applicants can purchase offset credits from one County Approved Water Conservation program, the Cash for Grass Program. In addition to the amendments being introduced today, on August 11, 2015 your Board will consider Resolutions establishing these programs.

The amendments to Title 19, Section 19.07.42 also require the installation of a well meter on any new or existing well serving new development that overlies the Paso Robles Groundwater Basin or the Nipomo Mesa Water Conservation Area. The well meter must be read on a monthly basis and records must be maintained by the property owner. See Attachment 3.

Amendments to the County Fee Schedule

Implementation of the water offset requirements proposed as part of the Countywide Water Conservation Program will require augmentation to Schedule B of the County Fee Schedule for Fiscal Year 2015-2016. The proposed new fees are shown in Attachment 5, Exhibit A. The existing County Fee Schedule B can be accessed online at <http://www.slocounty.ca.gov/admin/Resources/countyfee.htm>.

The Paso Robles Groundwater Basin Agricultural Offset Clearance Fee will be required at issuance of an Agricultural Offset Clearance. An Agricultural Offset Clearance is required under the proposed amendments to Title 22 for new or expanded irrigated crop production that overlies or uses water from the Paso Robles Groundwater Basin. This fee covers staff time for review, inspections, and other activities required for the issuance of an Agricultural Offset Clearance. The Planning and Building department used a time and motion study based on an average hourly rate to determine the amount of this fee.

The Well Meter Inspection Fee for Paso Robles Groundwater Basin and Nipomo Mesa Water Conservation Area is a Public Works fee for the verification and inspection of well meters. Verification of well meter installation is required as part of the Water Neutral New Development requirements for both new urban/rural development and new or expanded irrigated crop production as proposed in the amendments to Title 19 and Title 22. The Public Works Department used a time and motion study based on an average hourly rate to determine the amount of this fee.

Environmental Review

The proposed aforementioned amendments to Title 8 and Title 19, as well as amendments to Title 22, the Agriculture Element, and the Conservation and Open Space Element were analyzed in a Draft Supplemental Environmental Impact Report (DSEIR). The DSEIR was prepared as a supplement to the previously certified Environmental Impact Report for the Conservation and Open Space Element of the County General Plan. The DSEIR addresses potential impacts on: Agricultural Resources and Land Use. Potentially significant but mitigatable impacts were identified. The prescribed mitigation measure to address these impacts has been incorporated into the proposed Countywide Water Conservation Program. Your Board will consider certification of the Final Supplemental Environmental Impact Report (FSEIR) at the public hearing on August 11, 2015. The DSEIR is currently available for review at the Clerk Recorders Office and on the County's webpage. The FSEIR is anticipated to be available for review at the Clerk Recorders and on the County's webpage on July 20, 2015.

OTHER AGENCY INVOLVEMENT/IMPACT

The proposed amendments were referred to all applicable Community Advisory Councils and Community Service Districts. Planning Commission reviewed and provided input on the Title 19 amendments for Water Neutral New Development and the Title 8 amendments for Water Waste Prevention during a series of public hearing study sessions that were held on May 14, 2015, May 29, 2015 and June 4, 2015. Planning staff consulted with the Departments of

Environmental Health and Public Works to clarify implementation procedures for the new well permit requirements contained in Title 8 Section 8.40.030 and Section 8.40.040.

County Counsel has reviewed the proposed amendments as to form and legal effect.

FINANCIAL CONSIDERATIONS

Costs associated with the implementation of the proposed Water Neutral New Development requirements would be recovered by existing fees or the fees proposed in the amendment to the County Fee Schedule (Attachment 5). All proposed amendments will be considered at the public hearing on August 11, 2015.

RESULTS

Introduction of these amendments today will allow them to be heard on August 11, 2015, and if adopted, become effective September 10, 2015. This is consistent with the County's goal of promoting livable and prosperous communities.

ATTACHMENTS

- Attachment 1 – Amendment to Title 8 Health and Sanitation Ordinance
- Attachment 2 – Amendment to Title 8 (Legislative Changes)
- Attachment 3 – Amendment to Title 19 Building and Construction Ordinance
- Attachment 4 – Amendment to Title 19 (Legislative Changes)
- Attachment 5 – Amendment to Ordinance 3274 County Fee Schedule
- Attachment 6 – Draft Supplemental Environmental Impact Report (Clerk Filed)